

MATTHEW ACHEY
and JESSICA ACHEY

Case No. 6:22-cv-03261-JAM

ORDER

Pursuant to Western District Local Rule 37.1, the parties inform this Court no agreement can be reached as to where certain depositions will take place. The depositions at issue involve three Rule 30(b)(6) witnesses designated by Defendant. Defendant seeks to produce these witnesses electronically via zoom, while Plaintiffs seek to depose these witnesses in person in either Springfield, Missouri, where Plaintiffs' counsel is located, or in Kansas City, Missouri. Defendant informs the Court that one witness at issue is located in McKinney, Texas; another in St. Louis, Missouri; and the third in Central Illinois, near St. Louis, Missouri.

The Eighth Circuit has ruled that district courts have “great discretion” when it comes to deciding deposition locations. *Thompson v. Sun Oil Co.*, 523 F.2d 647, 648 (8th Cir. 1975). In deciding where to order a deposition, courts typically consider a variety of equitable factors including the relative position of the parties as well as financial costs. *Webb v. Ethicon Endo-Surgery, Inc.*, No. CIV. 13-1947 JRT/JJG, 2014 WL 7685527, at *4 (D. Minn. Aug. 8, 2014).

In the present matter, Plaintiffs have made clear their preference for an in-person rather than electronic deposition due to foreseeable issues with virtual deposition exhibits. Defendant has

specifically designated as 30(b)(6) witnesses individuals who live outside this district. Further, Plaintiffs, individuals who own a farm in rural Missouri, would appear to be more financially burdened by significant travel than Defendant, a large insurance corporation doing businesses throughout Missouri and many other states. Accordingly, weighing equities at issue in this case, it is **ORDERED** that the 30(b)(6) depositions will take place in St. Louis, Missouri. St. Louis is a neutral location near two of the three witnesses, and sufficiently easy to access for the third. This location also reflects the relative position of the parties as well as financial burden.

IT IS SO ORDERED.

Dated: June 22, 2023

/s/ Douglas Harpool
DOUGLAS HARPOOL
United States District Judge